THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.19898 of 1997

ORAL ORDER:

This writ petition is filed seeking a Mandamus declaring the action of the respondents in not continuing the services of the petitioner as Sub-Lieutenant on the ground of discharge of service, as arbitrary and illegal.

It is the case of the petitioner that he passed B.Sc. with Maths, Physics, Defence Studies Group and he is also holder of NCC 'C' certificate. In pursuance to the notification issued by Naval Academy, he has applied and thereafter he was selected as a Commissioned Officer and posted to INS Mandovi initially for six months training as 'C' Cadet on Board. While so, the petitioner was sent for Sub-Lieutenant Abridged Logistic Cadre course and thereafter his services were dispensed with from 30.9.1992. According to the petitioner, neither the discharge order was served on him nor any reasons were furnished for dispensing with his services.

A detailed counter affidavit is filed on behalf of respondents stating that the petitioner had failed twice during initial training once at NAVAC and second time as Midshipmen wherein he failed to qualify Midshipmen board and therefore had to repeat training both times by giving additional training for six months each time. The petitioner joined Naval Academy as a cadet at INS Mandovi originally with the 38th Integrated Course (I.C). However, he was finally commissioned on 1.1.1991 with the 39th Integrated Course (I.C.) and his performance was not satisfactory. Further, the petitioner repeated the Anti-Submarine Warfare and Communication courses and failed to qualify in both courses for the second time. As a result, he became liable for discharge from service on grounds of unsatisfactory progress as per rules. Therefore, the petitioner was discharged from service for showing insufficient progress. The averment of the petitioner that the discharge order

was not sent to the petitioner is not correct. The letter was dispatched to the residential address of the petitioner by the Commanding Officer.

From the above, it is seen that the petitioner was discharged since he get through the training course and in spite of giving two opportunities, he did not utilize the same. The discharge order seems to have been sent to the residential address of the petitioner. For al the reasons, the writ petition is devoid of merits and liable to be dismissed.

Accordingly, the writ petition is dismissed. No order as to costs.

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C.V.RAMULU, J

Date: 21.2.2007

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IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.19898 of 1997

Date: 21st February, 2006

Between:

G.Peter Rajinder

.. Petitioner

And

The Chief of Naval Staff,
Naval Head Quarters, New Delhi & others.

.. Respondents